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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,969	03/31/1999	TAKESHI FUNAHASHI	Q53829	7976
23373	7590	02/08/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			BRINICH, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060203

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary	Application No.	Applicant(s)	
	09/281,969	FUNAHASHI ET AL.	
	Examiner	Art Unit	
	Stephen M. Brinich	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,9-16 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,17 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4, 6-8, 17, & 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-13; claim 2, lines 14-15; claim 4, lines 13-14; claim 7, lines 14-15; and claim 23, lines 10-11, the recitation "wherein the normalization processing condition determined on the reading side is capable of being directly used for normalization processing" is unclear as to whether the recited normalization processing condition must in fact be directly used in order to meet the limitations of the claim.

In claim 3, lines 11-14; claim 6, lines 12-15; claim 8, lines 13-16; and claim 17, lines 12-16, the recitation "the normalization processing means is capable of carrying out normalization processing on the image data under the normalization processing condition changed by the condition changing means, or normalization processing condition directly

Art Unit: 2624

in association with the normalization processing means" is unclear as to whether the recited normalization processing means is capable of carrying out both of these operations (the interpretation relied upon in Applicant's arguments defining the claims over the Prior Art of record) or is capable of carrying out one or the other (but not necessarily both) of these operations.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, & 23, insofar as they are understood (in the case where one of the two alternatives discussed above, but not necessarily both, are required by the claim), are rejected under 35 U.S.C. 102(e) as being anticipated by Yamakita et al.

Re claims 1-4, 6, & 23, Yamakita et al discloses (Figures 1 & 5 and column 11, line 59 - column 14, line 56; particularly column 11, lines 59-61 and column 12, lines 23-42 & 58-63) an image processor in which an incoming light image is processed

Art Unit: 2624

into an image signal (Figure 1, image pick-up unit 1) on the reading side. This image signal includes a portion representing an iridial granule. This iridial granule signal then provides a normalization processing condition used in the subsequent processing. The image signal is then received by a processor, and the processor determines normalization parameters on the receiving (processor) side with which to perform normalization processing by processing (and thereby changing) the iridial granule.

Claim Rejections - 35 USC § 103

5. Claims 25-30, insofar as they are understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakita et al.

Re claims 25-30, Yamakita et al discloses a processing arrangement for "images" from a generic source, without regard to the specific technology used to obtain and store the original images. As noted by Applicant (page 1, lines 12-19), the reading of the particular recited type of image (a radiation image stored on a stimuable phosphor sheet) is well known in the art. The processing of this particular type of image in accordance with the Yamakita et al. parameters in order to perform the disclosed image identification process would be an expedient obvious to one of ordinary skill in the art.

Art Unit: 2624

Allowable Subject Matter

6. Claims 5, 9-16 & 18-21 are allowed.

7. Claims 5, 7-8, & 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 5, 7, 8, & 17, the art of record does not teach or suggest the generation of separate image data, reduced image data, and a normalization processing condition generated from the image data by a reading side normalization processing condition determining means.

Re claims 9-16, 18, & 24 (and dependent claims 19-21), the art of record does not teach or suggest a determination of whether a normalization processing condition falls within a predetermined range in conjunction with the determination of a normalization processing condition for an image.

Art Unit: 2624

Conclusion

10. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.


The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Art Unit: 2624

Hand-carried correspondence may be delivered to the
Customer Service Window, located at the Randolph Building, 401
Dulany Street, Alexandria, VA 22314.


Stephen M Brinich
Examiner
Art Unit 2624

smb
February 3, 2006